

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the pending motions in the above-captioned action and to submit to this Court a recommendation for the disposition of these motions.

On July 5, 2016, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 13] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the motions [Docs. 9, 11]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

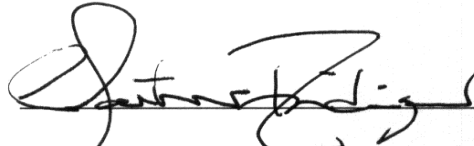
After a careful review of the Magistrate Judge's Memorandum and Recommendation [Doc. 13], the Court finds that the proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that this case be remanded for further proceedings.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's Memorandum and Recommendation [Doc. 13] is **ACCEPTED**; the Plaintiff's Motion for Summary Judgment [Doc. 9] is **GRANTED**; the Defendant's Motion for Summary Judgment [Doc. 11] is **DENIED**; and this matter is hereby **REMANDED** for further proceedings consistent with the Magistrate Judge's Memorandum and Recommendation.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

IT IS SO ORDERED.

Signed: August 5, 2016


Martin Reidinger
United States District Judge

